IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14551 of 2005

Between:

Tadiboyana Mallikarjuna Rao, S/o. Sambaiah,
R/o. Venkata Krishnapuram, Yadavapalem, Pedakakani (Mandal),
Guntur District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Guntur Region, Guntur District.
2. The Depot Manager, APSRTC, Piduguralla Bus Depot, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of MANDAMUS declaring the action of the 2nd Respondent in issuing the Proceedings No. M1/2(9)/97-GNT-1, dt. 19-6-1998 and the proceedings of Regional Manager on 27-12-1999 vide Proceedings No. Steno/19(98)/98-Dy.CTM(G) as illegal, arbitrary and unjust and consequently set aside the Proceedings No. M1/2(9)/97-GNT-1, dated 19.06.1998 issued by the 2nd respondent and the proceedings of Regional Manager on 27.12.1999 vide Proceedings No. Steno/19(98)/98 -Dy.CTM(G) and direct the respondents to pay consequential benefits.

Counsel for the Petitioner: MR.PEETA RAMAN

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order of punishment dated 19.06.1998, under which, the second respondent imposed punishment of withholding annual increments for a period of two years with cumulative effect.

The grievance of the petitioner is that he was charge sheeted for certain alleged irregularities and he was called upon to submit his explanation. Accordingly, he submitted his explanation. Thereafter, instead of conducting regular departmental enquiry, if the second respondent is not satisfied with the explanation, passed the impugned order imposing punishment of withholding annual increments for a period of two years with cumulative effect which is a major penalty. According to the learned counsel for the petitioner, imposition of such a major penalty without conducting a regular departmental enquiry is illegal and unsustainable in the light of the judgments of this Court as well as the Apex Court. Hence, he sought for setting aside the impugned order.

The learned Standing Counsel appearing for the respondents however sought to contend that the petitioner has come up with the present writ petition after long lapse of time since the second respondent passed the order on 19.06.1998 which was confirmed by

the first respondent on 27.12.1999 and therefore, no relief is required at this stage.

Heard both sides and considered the material on record.

Prima facie, the impugned order passed by the second respondent as confirmed by the first respondent is illegal and unsustainable in the light of the judgments of this Court as well as the Apex Court as the major penalty was imposed without conducting a regular departmental enquiry. Therefore, the impugned order is not sustainable. However, as the petitioner approached this Court after lapse of seven years, ends of justice would be met by modifying the impugned order to that of withholding annual increments for a period of two years without cumulative effect. It is further made clear that the benefit of this order is to be made applicable to the petitioner only from the date of this order and the petitioner is not entitled to any monetary benefit prior to the date of this order by virtue of modification of the impugned order.

The writ petition is accordingly disposed of. No costs.

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06.07.2005

VGB

To

1. The Regional Manager, APSRTC, Guntur Region, Guntur District.
2. The Depot Manager, APSRTC, Piduguralla Bus Depot, Guntur District.
3. 2CD copies.